

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWMAN DIVISION

| | | |
|---|---|------------------------------|
| DANA LEE, |) | |
| On behalf of herself and all those |) | |
| similarly situated who consent to |) | |
| representation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action File No. |
| v. |) | 3:07-CV-108-JTC |
| |) | |
| ETHAN ALLEN RETAIL, INC., |) | |
| a Delaware corporation, |) | |
| |) | |
| Defendant. |) | |

AFFIDAVIT OF COREY WHITELY

1.

I, Corey Whitely, am over the age of twenty-one (21) years and competent to testify in the matters contained herein. The statements contained in this affidavit are based upon my personal knowledge and are under oath.

2.

I am a citizen of the state of Connecticut.

3.

I currently serve as Executive Vice President, Operations for Ethan Allen Retail, Inc. ("Ethan Allen") in Danbury, Connecticut.

4.

As Executive Vice President of Operations for Ethan Allen, I am responsible for the operational functions across the company and am responsible for the design and implementation of programs that strengthen the company's processes and increase efficiency. These programs include, among other areas, the areas of Human Resources including employee and H&W benefits, HR policies and HRIS; logistics including home delivery operations and customer service; product safety and compliance programs; information systems; and property operations.

5.

100% of Ethan Allen's annual dollar volume of sales of goods are sold on a retail basis to the general public at 153 Design Centers throughout the continental United States.

6.

All Ethan Allen does is sell services and products to end consumers.

7.

In the retail Design Centers, Design Consultants sell Ethan Allen home furnishing products and design home furnishing plans with those products for Ethan Allen customers.

8.

In order to arrive at the percentage of sales Plaintiff made during each stage of the sales process, I have reviewed the Designer Sales Performance Reports for Plaintiff, the written business split report for Plaintiff, house call record book for Peachtree City and house call records forms for Plaintiff throughout her employment at Ethan Allen.

9.

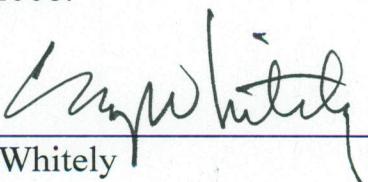
During Plaintiff's employment at Ethan Allen, 51% (\$186,621.75) of her sales were made either during a house call, during an in-store presentation following a house call, or as a "be back" sale to a customer for whom Plaintiff made a house call.

10.

I declare under penalty of perjury pursuant to 42 U.S.C. § 1746 that the foregoing Affidavit is true and correct to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

This 26 day of November, 2008.



Corey Whitley